

APPEAL NO. 042317
FILED OCTOBER 26, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 24 and resumed on August 18, 2004. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) reached maximum medical improvement (MMI) on May 14, 2003, with a 0% impairment rating (IR) as reported by the designated doctor chosen by the Texas Workers' Compensation Commission (Commission). The claimant appeals, contending that her IR is 20% as reported by her treating doctor. The respondent (self-insured) responds that the evidence supports the hearing officer's decision.

DECISION

Affirmed.

Sections 408.122(c) and 408.125(c) provide that the designated doctor's MMI and IR report has presumptive weight and the Commission shall base its determinations of MMI and IR on that report unless the great weight of the other medical evidence is contrary to the report. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.6(i) (Rule 130.6(i)) provides that the designated doctor's response to a Commission request for clarification has presumptive weight as it is part of the designated doctor's report. The hearing officer found that the designated doctor's report of MMI and IR was not contrary to the great weight of the other medical evidence and concluded that the claimant reached MMI on May 14, 2003, with a 0% IR as reported by the designated doctor. Although there is conflicting evidence in this case with regard to the appealed issue of the claimant's IR, we conclude that the hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**SUPERINTENDENT
(ADDRESS)
(CITY), TEXAS (ZIP CODE)**

Robert W. Potts
Appeals Judge

CONCUR:

Veronica L. Ruberto
Appeals Judge

Edward Vilano
Appeals Judge